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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/898,353	07/03/2001	Lee Edward Macklin	10011137-1	1057

22879 7590 06/08/2004

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EXAMINER

WEAVER, SCOTT LOUIS

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 06/08/2004

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/898,353

Applicant(s)

MACKLIN, LEE EDWARD

Examiner

Scott L. Weaver

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2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2004.
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-18, 20 and 26-31 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 16-18 and 27 is/are allowed.
6) ☒ Claim(s) 20, 26 and 28-31 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 03 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/15/2004 has been entered.

Response to Amendment

2. Applicant's arguments with respect to claims 16-18, 20, and 26-31 have been considered but are not fully persuasive and are moot in view of the new ground(s) of rejection which is provided in response to the amendment of the claims as originally presented.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

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The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 20, and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Schnarel et al. (#6,389,124).

The claims read on Schnarel as follows: Schnarel teaches (via reference to Abstract; figures 1, 13; col.4,ln.5-30; col.5,ln.19-28; col.6,ln.15-20; col.7,ln.1-6 ; col.7,ln.56-65; col.8,ln.50-col.9,ln.15; col.11,ln.17-22; col.14,ln.49-65; col.23,ln.11-58) a system, method and computer program product for managing information including for recorded messages, processor for origination identification data, display for record display, and selector for enabling selection of displayed record in desired manner to playback messages. Figure 1 shows a representative display with the respective fields as claimed and a scrolling button on the right with touch screen application for selection via col.6,ln.15-20. Records are displayed as rows (lines across screen horizontally), a scroll control enables to scroll up and down the records, ports are provided for connection to incoming line as well as for connection to alternate communication device with suggestion of desktop PC for terminal. The records have plurality of fields including the indicia of time of occurrence, identity, recorded message, content. The rows are shown provided with columns via figure 1 which also shows the records with numerous indicia. With respect to claim 20 and the remarks of paper # 5, the reference clearly teaches enabling selection via visual display of recorded message data, the computer system clearly responds by playing and retrieving the selected message, the claim language does not limit "interrupt" any further than requiring such to cause a function to be performed,

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since each of those functions is clearly taught by the reference and the interrupt instruction is an enabling part of all computer processor instruction sets, the reference is considered to clearly teach each of the claimed functions. With respect to claim 28, (col.5,ln.21-24) clearly teaches display of incoming call data and since that data is displayed it is considered video data the claim not limiting 'video' as being for example anything in particular such as full motion or still image video

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 26 and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schnarel et al. (#6,389,124) in view of Rudd et al. (#6,295,391).

Schnarel teaches the claimed invention as pointed out in the above paragraph and as is applicable to the limitations as recited in claims 26 and 29-31.

Schnarel does not teach the selection includes use of voice activation command.

Rudd teaches to use voice activation commands for selecting files (stored data) in computer system (Abstract; col.9,ln.6-39).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schnarel to enable the user to make selection via voice command as taught by Rudd and as is well known in the art for the purpose of enabling the recipient to manipulate the data in a hands free manner.

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Conclusion

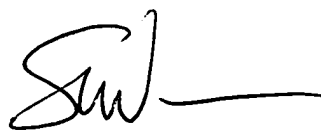
7. The prior art made of record and not relied on is considered pertinent to the claimed subject matter.

8. Claims 27 and 16-18 are allowable.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott L. Weaver whose telephone number is 703-308-6974. The examiner can normally be reached on Tuesday to Friday 8 AM to 6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


SCOTT L. WEAVER
PRIMARY EXAMINER
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